Remarks

Applicant has carefully reviewed this Application in light of the Office Action electronically sent 28 February 2007. Applicant respectfully requests reconsideration and allowance of all pending claims.

The Abstract Contains no More than 150 Words

The Examiner objects to the Abstract because it contains more than 150 words. Applicant has amended the abstract to contain no more than 150 words. Applicant respectfully requests the Examiner to withdraw the objection to the Abstract.

The Use of the Trademark RATIONAL ROSE is Proper

The Examiner objects to the Specification because of the use of the trademark RATIONAL ROSE. According to the M.P.E.P., "if the product to which the trademark refers is set forth in such language that its identity is clear, the examiners are authorized to permit the use of the trademark if it is distinguished from common descriptive nouns by capitalization." M.P.E.P. ch. 608.01(v) (Rev. 5, Aug. 2006). Moreover, "the use of trademarks having definite meanings is permissible in patent applications," but such trademarks "should be identified by capitalizing each letter of the mark." *Id.* Applicant respectfully submits that the identity of the product that the trademark RATIONAL ROSE refers to is clear and that Applicant has identified use of the trademark RATIONAL ROSE by capitalizing each letter of the trademark. Applicant respectfully requests the Examiner to withdraw the objection to the Specification.

Independent Claims 1, 7, 13, and 19-20 are Allowable Over *Miller*

The Examiner rejects independent Claims 1, 7, 13 and 19-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2006/0235732 by Miller et al. ("*Miller*").

Miller merely discloses a database containing information on an organization and its suppliers and a multiple repository system containing stored templates that users can access to compose documents through the stored templates. (Figures 11A-11B and 14; Paragraph 0280 and 0310-0311).

In contrast, independent Claim 1 of this Application recites:

A system facilitating software engineering and management in connection with a software development project according to a process that is compliant with a qualitatively measurable standard, comprising:

a server system operable to communicate with a plurality of client systems;

a database associated with the server system and containing resources accessible to the client systems using the server system in connection with one or more software development projects, the resources comprising at least:

first resources specifying a plurality of tasks to be performed within the process and specifying for each task one or more of:

a description of the task;

a description of how the task relates to the standard;

one or more activities to be performed for the task;

which personnel should perform the activities for the task;

one or more deliverables to be generated for the task;

one or more expected artifacts according to which the process will be measured against the standard; and

an expected time to complete the task; and

second resources comprising one or more templates, each template operable to be customized in generating one or more deliverables for one or more tasks;

the server system operable to, at one or more times during a software development project:

receive from a user associated with a client system a request for one or more resources;

retrieve the requested resources from the database; and

provide the requested resources to the user in connection with the software development project.

Independent Claims 7, 13, and 19-20 recite limitations similar to the limitations of independent Claim 1.

To reject independent Claim 1, the Examiner asserts either that the database containing information on an organization and its suppliers or that the multiple repository system in *Miller* can be properly considered ***a database associated with the server system***

and containing resources accessible to the client systems using the server system in connection with one or more software development projects, as independent Claim 1 recites. Applicants respectfully disagree with the Examiner.

Even assuming for the sake or argument that the database containing information on an organization and its suppliers or the multiple repository system in *Miller* could be properly considered *a database associated with the server system and containing resources accessible to the client systems using the server system in connection with one or more software development projects*, as independent Claim 1 recites, *Miller* would still fail to disclose, teach, or suggest that the database in *Miller*, the multiple repository system in *Miller*, or a combination of the two contains, as independent Claim 1 recites, *first resources specifying a plurality of tasks to be performed within the process and specifying for each task one or more of:*

- *a description of the task;*
- *a description of how the task relates to the standard;*
- *one or more activities to be performed for the task;*
- *which personnel should perform the activities for the task;*
- *one or more deliverables to be generated for the task;*
- *one or more expected artifacts according to which the process will be measured against the standard; and*
- *an expected time to complete the task.*

The database in *Miller* merely contains information on an organization and its suppliers. Moreover, the multiple repository system in *Miller* merely contains stored templates that users can access to compose documents through the stored templates. Nowhere does Miller disclose, teach, or suggest that either or both contain each and every one of the *first resources*, as independent Claim 1 recites.

"To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053

(Fed. Cir. 1987); M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (quoting *Verdegaal*, 814 F.2d at 631). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (quoting *Richardson*, 868 F.2d at 1236). Furthermore, "[t]he elements must be arranged as required by the claim." M.P.E.P. ch. 2131 (Rev. 3, Aug. 2005) (citing *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). As shown above, *Miller* fails to disclose, either expressly or inherently, each and every limitation of independent Claim 1. Therefore, *Miller* does not anticipate independent Claim 1 under governing Federal Circuit case law and the M.P.E.P

For at least the above reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 1, 7, 13, and 19-20 and all their dependent claims.
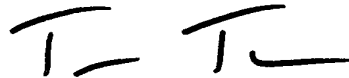
Conclusion

For at least the foregoing reasons, Applicant respectfully requests allowance of all pending claims.

If a telephone conference would advance prosecution of this Application, the Examiner may call Travis W. Thomas, Attorney for Applicant, at 214.953.6676.

Please charge $120.00 for a one-month extension of time to Deposit Account No. 02-0384 of Baker Botts LLP. The Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,

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